

# Notice of Allowability

Application No.

10/662,784

Examiner

Robert A. Wax

Applicant(s)

BAJAJ ET AL.

Art Unit

1653

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed February 21, 2006.
2. ☒ The allowed claim(s) is/are 3-6, 8 and 10-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 05012006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The examiner's amendment adds two claims, thus creating a discrepancy in the number of claims in the application and the number of claims paid for. After the amendment there are 22 claims, 6 of which are independent. Applicant previously paid for 20 claims, four of which were independent. Thus, an additional fee of \$250 is required. Authorization to charge this fee to Deposit Account No. 20-0823 was given in a telephone interview with Charles Romano on May 5, 2006.

3. Authorization for this examiner's amendment was given in a telephone interview with Charles Romano on April 24, 2006.

The application has been amended as follows:

Please replace the existing claim set with the following:

1. (Canceled)
2. (Canceled)
3. (Currently Amended) A polypeptide of from 6 to 20 amino acids capable of inhibiting the activation of factor X in the presence of

coagulation factor VIIIa, said polypeptide comprising SEQ ID NO:5  
(LVX<sub>1</sub>X<sub>2</sub>AT), wherein X<sub>1</sub> is tyrosine and X<sub>2</sub> is either arginine or glutamine  
or wherein X<sub>1</sub> is either aspartic acid or tyrosine and X<sub>2</sub> is glutamine.

4. (Currently Amended) The polypeptide of claim 3 wherein the polypeptide comprises ~~SEQ ID NO:6~~, SEQ ID NO:7 or SEQ ID NO:8.

5. (Previously presented) A polypeptide of from 9 to 20 amino acids capable of inhibiting the activation of factor X in the presence of coagulation factor VIIIa, said polypeptide comprising SEQ ID NO:9, provided that Xaa of SEQ ID NO:9 is not cysteine.

6. (Previously presented) The polypeptide of claim 5 wherein the polypeptide comprises SEQ ID NO:10.

7. (Canceled)

8. (Currently Amended) A composition having anticoagulation activity wherein the composition comprises a polypeptide of from 6 to 20 amino acids capable of inhibiting the activation of factor X in the presence of coagulation factor VIIIa, said polypeptide comprising SEQ ID NO:5  
(LVX<sub>1</sub>X<sub>2</sub>AT), wherein X<sub>1</sub> is tyrosine and X<sub>2</sub> is either arginine or glutamine  
or wherein X<sub>1</sub> is either aspartic acid or tyrosine and X<sub>2</sub> is glutamine.

9. (Canceled)

10. (Previously presented) The composition of claim 8 wherein the polypeptide comprises SEQ ID NO:7.

11. (Previously presented) The composition of claim 8 wherein the polypeptide comprises SEQ ID NO:8.

12. (Previously presented) A composition having anticoagulation activity wherein the composition comprises a polypeptide of from 9 to 20 amino acids capable of inhibiting the activation of factor X in the presence of coagulation factor VIIIa, said polypeptide comprising SEQ ID NO:9, provided that Xaa of SEQ ID NO:9 is not cysteine.

13. (Original) The composition of claim 12 wherein the polypeptide is SEQ ID NO:10.

14. (Previously presented) The polypeptide of claim 3, wherein said polypeptide further comprises a covalently attached detectable moiety.

15. (Previously presented) The polypeptide of claim 14, wherein said detectable moiety is radioactive or fluorescent.

16. (Previously presented) The polypeptide of claim 4, wherein said polypeptide further comprises a covalently attached detectable moiety.

17. (Previously presented) The polypeptide of claim 16, wherein said detectable moiety is radioactive or fluorescent.

18. (Previously presented) The polypeptide of claim 5, wherein said polypeptide further comprises a covalently attached detectable moiety.

19. (Previously presented) The polypeptide of claim 18, wherein said detectable moiety is radioactive or fluorescent.

20. (Previously presented) The polypeptide of claim 6, wherein said polypeptide further comprises a covalently attached detectable moiety.

21. (Previously presented) The polypeptide of claim 20, wherein said detectable moiety is radioactive or fluorescent.

22. (New) A six amino acid polypeptide capable of inhibiting the activation of factor X in the presence of coagulation factor VIII, said six amino acid polypeptide comprising SEQ ID NO:5 (LVX<sub>1</sub>X<sub>2</sub>AT), wherein X<sub>1</sub> is either aspartic acid or tyrosine and X<sub>2</sub> is either arginine or glutamine.

23. (New) The polypeptide of claim 22, wherein said polypeptide further comprises a covalently attached detectable moiety.

24. (New) The polypeptide of claim 23, wherein said detectable moiety is radioactive or fluorescent.

25. (New) The six amino acid polypeptide of claim 22, wherein said six amino acid polypeptide comprises SEQ ID NO: 6, SEQ ID NO:7 or SEQ ID NO:8.

26. (New) A six amino acid polypeptide of capable of inhibiting the activation of factor X in the presence of coagulation factor VIII, said six amino acid polypeptide consisting of SEQ ID NO:6 (LVDRAT).

4. The following is an examiner's statement of reasons for allowance: Newly-cited US Patents 5,639,641, 5,639,863, 5,914,110 and 5,932,706 teach various fragments of SEQ ID Nos.: 5 and 6, see sequence search alignments attached to this Office action. The claims have been amended so as to not read on the prior art, thus, the claims are novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Wax whose telephone number is (571) 272-0623. The examiner can normally be reached on Monday through Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robert A. Wax', is positioned above the printed name.

Robert A. Wax  
Primary Examiner  
Art Unit 1653

RAW

# US-07-942-245-39

; Sequence 39, Application US/07942245  
; Patent No. 5639641  
; GENERAL INFORMATION:  
; APPLICANT: PEDERSEN, Jan T.  
; APPLICANT: SEARLE, Stephen M.J.  
; APPLICANT: REES, Anthony R.  
; APPLICANT: ROGUSKA, Michael A.  
; APPLICANT: GUILD, Braydon C.  
; TITLE OF INVENTION: SURFACE RESIDUE VENEERING OF RODENT  
; TITLE OF INVENTION: ANTIBODIES  
; NUMBER OF SEQUENCES: 522  
; CORRESPONDENCE ADDRESS:  
; ADDRESSEE: Sughrue, Mion, Zinn, Macpeak & Seas  
; STREET: 2100 Pennsylvania Avenue, N.W.  
; CITY: Washington  
; STATE: D.C.  
; COUNTRY: United States  
; ZIP: 20037-3202  
; COMPUTER READABLE FORM:  
; MEDIUM TYPE: Floppy disk  
; COMPUTER: HP 9000/700 Workstation  
; OPERATING SYSTEM: UNIX  
; SOFTWARE: In house  
; CURRENT APPLICATION DATA:  
; APPLICATION NUMBER: US/07/942,245  
; FILING DATE: 09-SEP-1992  
; CLASSIFICATION: 530  
; TELECOMMUNICATION INFORMATION:  
; TELEPHONE: (202) 293-7060  
; TELEFAX: (202) 293-7860  
; TELEX: 6491103  
; INFORMATION FOR SEQ ID NO: 39:  
; SEQUENCE CHARACTERISTICS:  
; LENGTH: 15 amino acids  
; TYPE: amino acid  
; TOPOLOGY: linear  
; MOLECULE TYPE: peptide  
US-07-942-245-39

Query Match 100.0%; Score 17; DB 1; Length 15;  
Best Local Similarity 66.7%; Pred. No. 48;  
Matches 4; Conservative 0; Mismatches 2; Indels 0;  
Gaps 0;

Qy 1 LVXXAT 6  
|| ||  
Db 10 LVATAT 15



US-08-264-093-4

; Sequence 4, Application US/08264093  
; Patent No. 5639863  
; GENERAL INFORMATION:  
; APPLICANT: Michael D. Dan  
; TITLE OF INVENTION: HUMAN MONOCLONAL ANTIBODIES SPECIFIC TO  
; TITLE OF INVENTION: CELL CYCLE-INDEPENDENT GLIOMA SURFACE  
; TITLE OF INVENTION: ANTIGEN  
; NUMBER OF SEQUENCES: 26  
; CORRESPONDENCE ADDRESS:  
; ADDRESSEE: Ridout & Maybee  
; STREET: 2300 Richmond-Adelaide Centre  
; STREET: 101 Richmond Street West  
; CITY: Toronto  
; STATE: Ontario  
; COUNTRY: Canada  
; ZIP: M5H 2J7  
; COMPUTER READABLE FORM:  
; MEDIUM TYPE: Diskette - 3.5 inch, 1.4 Mb storage  
; COMPUTER: IBM PC Compatible  
; OPERATING SYSTEM: MS-DOS 6.00  
; SOFTWARE: ASCII Editor  
; CURRENT APPLICATION DATA:  
; APPLICATION NUMBER: US/08/264,093  
; FILING DATE:  
; CLASSIFICATION: 536  
; PRIOR APPLICATION DATA: No. 5639863 applicable  
; ATTORNEY/AGENT INFORMATION:  
; NAME: Lake, James R.  
; REGISTRATION NUMBER: 31081  
; REFERENCE/DOCKET NUMBER: NOVOP/106A/7551  
; TELECOMMUNICATION INFORMATION:  
; TELEPHONE: (416) 868-1482  
; TELEFAX: (416) 362-0823  
; INFORMATION FOR SEQ ID NO: 4:  
; SEQUENCE CHARACTERISTICS:  
; LENGTH: 10 amino acids  
; TYPE: amino acid  
; STRANDEDNESS: not applicable  
; TOPOLOGY: linear

US-08-264-093-4

Query Match 100.0%; Score 17; DB 1; Length 10;  
Best Local Similarity 66.7%; Pred. No. 31;  
Matches 4; Conservative 0; Mismatches 2; Indels 0;  
Gaps 0;

Qy 1 LVXXAT 6  
|| ||  
Db 1 LVAAAT 6

US-08-483-636-8

; Sequence 8, Application US/08483636  
; Patent No. 5914110  
; GENERAL INFORMATION:  
; APPLICANT: Holmes, Stephen D.  
; APPLICANT: Gross, Mitchell S.  
; APPLICANT: Sylvester, Daniel R.  
; TITLE OF INVENTION: Recombinant IL4 Antibodies Useful in  
; TITLE OF INVENTION: Treatment of IL4 Mediated Disorders  
; NUMBER OF SEQUENCES: 75  
; CORRESPONDENCE ADDRESS:  
; ADDRESSEE: SmithKline Beecham Corp./Corporate  
; ADDRESSEE: Intellectual Property  
; STREET: P.O. Box 1539 / UW2220  
; CITY: King of Prussia  
; STATE: PA  
; COUNTRY: USA  
; ZIP: 19406-0939  
; COMPUTER READABLE FORM:  
; MEDIUM TYPE: Floppy disk  
; COMPUTER: IBM PC compatible  
; OPERATING SYSTEM: PC-DOS/MS-DOS  
; SOFTWARE: PatentIn Release #1.0, Version #1.25  
; CURRENT APPLICATION DATA:  
; APPLICATION NUMBER: US/08/483,636  
; FILING DATE:  
; CLASSIFICATION: 424  
; PRIOR APPLICATION DATA:  
; APPLICATION NUMBER: US 08/117366  
; FILING DATE: 07-SEP-1993  
; PRIOR APPLICATION DATA:  
; APPLICATION NUMBER: US 08/136783  
; FILING DATE: 14-OCT-1993  
; PRIOR APPLICATION DATA:  
; APPLICATION NUMBER: PCT/US/94/10308  
; FILING DATE: 07-SEP-1994  
; ATTORNEY/AGENT INFORMATION:  
; NAME: Sutton, Jeffrey A.  
; REGISTRATION NUMBER: 34,028  
; REFERENCE/DOCKET NUMBER: P50186-3  
; TELECOMMUNICATION INFORMATION:  
; TELEPHONE: (215) 270-5024  
; TELEFAX: (215) 270-5090  
; INFORMATION FOR SEQ ID NO: 8:  
; SEQUENCE CHARACTERISTICS:  
; LENGTH: 19 amino acids  
; TYPE: amino acid  
; TOPOLOGY: linear  
; MOLECULE TYPE: protein

US-08-483-636-8

Query Match 100.0%; Score 17; DB 1; Length 19;  
Best Local Similarity 66.7%; Pred. No. 61;  
Matches 4; Conservative 0; Mismatches 2; Indels 0;  
Gaps 0;

Qy 1 LVXXAT 6  
|| ||  
Db 10 LVATAT 15

US-08-797-842-3

; Sequence 3, Application US/08797842  
; Patent No. 5932706  
; GENERAL INFORMATION:  
; APPLICANT: Mertens, Koenraad et al  
; TITLE OF INVENTION: Antibodies specific for a haemostatic  
protein,  
; TITLE OF INVENTION: their use for isolating intact protein,  
haemostatic compositions  
; TITLE OF INVENTION: of proteolytic cleavage products of the  
protein  
; NUMBER OF SEQUENCES: 16  
; CORRESPONDENCE ADDRESS:  
; ADDRESSEE: Michaelson and Wallace  
; STREET: Parkway 109 Office Center, 328 Newman Springs  
; STREET: Road, P. O. Box 8489  
; CITY: Red Bank  
; STATE: New Jersey  
; COUNTRY: USA  
; ZIP: 07701  
; COMPUTER READABLE FORM:  
; MEDIUM TYPE: 3 1/2" 1.44 MByte IBM compatible diskette  
; COMPUTER: IBM PC  
; OPERATING SYSTEM: MS-DOS, Windows for Workgroups 3.11  
; SOFTWARE: Microsoft Word for Windows 6  
; CURRENT APPLICATION DATA:  
; APPLICATION NUMBER: US/08/797,842  
; FILING DATE: 10-Feb-1997  
; CLASSIFICATION: 530  
; PRIOR APPLICATION DATA:  
; APPLICATION NUMBER: 08/381,891  
; FILING DATE: February 8, 1995  
; ATTORNEY/AGENT INFORMATION:  
; NAME: Michaelson, Peter L.  
; REGISTRATION NUMBER: 30090  
; REFERENCE/DOCKET NUMBER: Stitching-5  
; TELECOMMUNICATION INFORMATION:  
; TELEPHONE: (908)530-6671  
; TELEFAX: (908)530-6584  
; INFORMATION FOR SEQ ID NO: 3:  
; SEQUENCE CHARACTERISTICS:  
; LENGTH: 16 amino acids  
; TYPE: amino acid  
; STRANDEDNESS: unknown  
; TOPOLOGY: unknown  
; MOLECULE TYPE: peptide  
; HYPOTHETICAL: NO

US-08-797-842-3

Query Match 100.0%; Score 28; DB 1; Length 16;  
Best Local Similarity 100.0%; Pred. No. 2.3;  
Matches 6; Conservative 0; Mismatches 0; Indels 0;  
Gaps 0;

Qy 1 LVDRAT 6  
| | | | |  
Db 11 LVDRAT 16